

REMARKS

I. INTRODUCTION

In response to the Office Action dated March 30, 2004, the claims have not been amended. Claims 24-40 remain in the application. The specification has been amended as indicated above. Re-consideration of the application is requested.

II. NON ART REJECTION

Claims 27, 28, 35, and 36 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Rejection provides that the specification fails to disclose the features of claims 27, 28, 35, and 36.

Applicant respectfully disagrees with such an assertion. The independent claims 24 and 32 provide for generating a live video broadcast where information to be broadcast develops during the broadcast and the information is reflected in 3D text included in the broadcast. The methods set forth in the claims utilize a template that contains 3D preferences for the input text. 3D text is then generated in accordance with the 3D preferences and combined with the live video signal to produce a broadcast signal.

Dependent claims 27 and 35 provide that the 3D preferences are defined by a movement or by an alpha-numeric input. In other words, the preferences for formatting the input text are defined by a movement or by alpha-numeric input.

Dependent claims 28 and 36 provide that the 3D preferences specify a behaviour that takes place as text is added.

There are numerous locations that support these claims. For example, paragraph [0052] provides various attributes of the template and specifies that an angle for the template may be input as an angular value or may be rotated by means of a mouse or a combination of stylus and table. In this regard, the angular value is an alpha-numeric value and the movement of the mouse (or stylus and table) are a movement within the scope of the claims. Similarly, paragraph [0053] provides the ability to scale the template by input via a keyboard, mouse, or stylus and tablet. Such properties of the template and text are via movement (i.e., the mouse) or alphanumeric input (i.e., the keyboard). Paragraph [0070] provides that the properties of the template refer to rotating, scaling and page behaviour operations that may be edited using a stylus and tablet, keyboard, or mouse. Accordingly,

the properties are established/defined by movement of the mouse or by alpha-numeric keyboard input. Similarly, the preferences/properties provide for rotating, scaling and page behaviour operations (i.e., that takes place as text is added).

Paragraphs [0054]-[0056] provide further support for behaviour that takes place as text is added. In this regard, the paragraphs identify various template behaviour patterns. Paragraph [0055] indicates that with the fixed mode behaviour pattern, cartesian values are locked and there is a limit on the length of any text that is entered. Paragraph [0056] provides that in the wrap behaviour mode, text being entered will be rendered on a new line if it exceeds the width of the first line. In other words, in the wrap behaviour mode, the width of the template for the text is locked. In addition, paragraph [0073] provides the font information for the text being entered. In this regard, the font type and size adjust the ASCII text as it is entered/added. Further, this paragraph also provides for formatting the ASCII text as it is entered.

Paragraph [0084] provides for displaying a window for displaying properties of the 3D text (i.e., the preferences as specified in the claims). The properties refer to extrusion, texture, and lighting operations – all of which may be defined via a stylus and tablet, keyboard, or mouse (again providing support for claims 27 and 35).

Paragraph [0089] and FIG. 15 specifically indicates that the template type is a string of alpha numeric characters.

Paragraph [0097] again indicates that various entries may be selected for editing using a stylus and tablet, keyboard, mouse, or combination thereof.

In addition to the above paragraphs, which clearly support claims 27, 28, 35, and 36, the original claims as filed provided such support. For example, original claims 4 and 6 provided for motion or alpha-numeric input. Further, claims 9 and 10 provided that the text template was equipped with the text in accordance with the formatting in real time (i.e., the behaviour takes place in real time as the text is added). Applicant has amended the specification to incorporate the relevant language from the original claims. In this regard, since the original claims were part of the specification as originally filed, no new subject matter has been added.

In view of the above, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §112.

III. INTERVIEW SUMMARY

On April 20, 2004, Attorney for Applicant, Jason S. Feldmar, and Examiner Yang conducted a teleconference. The applicability of the Uesaki reference was discussed. Agreement was reached in that the Examiner agreed that Uesaki does not qualify as prior art against the present application. The Examiner recommended that Applicant file a response that indicates this lack of applicability.

IV. PRIOR ART REJECTIONS

In paragraphs (7)-(8) of the Office Action, claims 24-40 were rejected under 35 U.S.C. §102(e) as being anticipated by Uesaki et al., U.S. Publication No. 2002/0149622 (Uesaki).

However, pursuant to the interview with the Examiner, Applicant submits that Uesaki does not qualify as prior art with respect to the present application. Specifically, the present application was filed on November 28, 2001. However, the present application claims priority to a United Kingdom patent application filed on April 19, 2001.

Uesaki was published on October 17, 2002 and was filed in the United States on April 10, 2002. This April 10, 2002 filing date is well after both the US filing date and the priority date of the present application. Uesaki claims priority to a Japan filing of April 12, 2001. This April 12, 2001 date is before the US filing date and priority date of the present application. However, under 35 U.S.C. 102(e), the Japanese priority date cannot be used for determining whether Uesaki qualifies as prior art. 35 U.S.C. §102(e) provides:

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the inter-national application designated the United States and was published under Article 21(2) of such treaty in the English language;

Uesaki was an application published under section 122(b) by another. However, Uesaki was not filed in the United States before the invention by the applicant. In this regard, the US filing date of Uesaki was April 10, 2002 compared to the filing date of the present invention in the US of November 28, 2001 and priority date of April 19, 2001.

Since Uesaki's US filing date does not beat the present application filing date, the question becomes whether the Japanese filing date can be used. Under 35 U.S.C. §102(e), a foreign application can only be used as prior art, if the foreign application is an international application (i.e.,

a PCT application) that (1) designates the US, and (2) was published, under the PCT, in English. Uesaki was a Japanese national filing and was not a PCT filing. Additionally, there is no evidence that Uesaki was published in English under the PCT. In this regard, Uesaki fails to meet the qualifications under 35 U.S.C. §102(e) for using the Japanese filing date to beat the present invention filing and priority date in terms of prior art. Accordingly, Uesaki is not a valid reference and cannot be used to reject the present application.

V. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

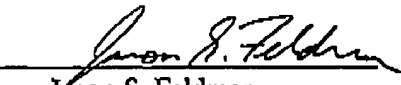
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